

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: John W. Evans)	Examiner:	N. OGDEN
)		
Serial No.: 10/629,642)	Confirmation No.:	6851
)		
Filing Date: 07/29/2003)	Group Art Unit:	1751
)		
For: Non-Aqueous Heat Transfer Fluid and Use Thereof)	Docket No.:	97541.00022

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

Applicants submit this Response to the pending Office Action. In view of the following Amendment and Remarks, reconsideration and withdrawal of the Notification of Non-Compliance with the Requirements of 37 C.F.R. § 41.37(c) are respectfully requested.

Amendments to the Appeal Brief commence on page 2.

Remarks commence on page 3.

AMENDMENT TO THE APPEAL BRIEF

Please amend Section II of Appellant's Amended Brief, entitled "Related Appeals and Interferences," as follows:

The Board of Patent Appeals and Interferences issued a decision on May 30, 2003 regarding the parent application, Serial No. 08/991,155 filed on December 16, 1997. A copy of that decision is attached in the Appendix of Related Appeals and Interferences. Additionally, a Notice of Appeal was filed on March 25, 2008, in connection with patent application Serial No. 09/935,897, entitled "Reduced Toxicity Ethylene Glycol-Based Antifreeze/Heat Transfer Fluid Concentrates and Antifreeze/Heat Transfer Concentrates and Antifreeze/Heat Transfer Fluids," which shares a common inventor with the present application, and has been assigned to the same assignee as the present application. An Appeal Brief has not been filed in connection with patent application Serial No. 09/935,897.

REMARKS

In the Office Action mailed on May 28, 2008, the Examiner commented that the Appellant's Amended Brief did not identify all related appeals, interferences and judicial proceedings which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the pending appeal, as required by 37 C.F.R. § 41.37(c)(1)(ii). The Examiner specifically identified patent application Serial No. 09/935,897 as an application presently under appeal which was not cited in Appellant's Amended Brief.

Accordingly, Applicant hereby amends its Amended Brief to include a reference to patent application Serial No. 09/935,897 in Section II, entitled "Related Appeals and Interferences." Applicant has submitted only that portion of the Amended Brief which was deemed non-compliant.

No fee is believed to be required with the submission of this paper. However, if any fee is required, or is otherwise necessary to cover any deficiency in fees already paid, authorization is hereby given to charge our Deposit Account No. 50-3569.

Date: June 25, 2008

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